

TO THE PUBLIC AND RESIDENTS OF VERNAL CITY:

Notice is hereby given that the **VERNAL CITY PLANNING COMMISSION** will hold a regular meeting on **Tuesday, May 10, 2016 at 7:00 p.m.** in the Vernal City Council Chambers at 374 East Main Street, Vernal, Utah.

AGENDA

A. STANDING BUSINESS

1. Welcome and Designation of Chair and Members
2. Approval of Minutes of April 12, 2016 Regular Meeting (**TAB 1**)

B. DISCUSSION

1. Request for Recommendation to Consider Amending the Vernal City Municipal Planning and Zoning Code – Chapters 16.04, 16.20, 16.24, 16.26, 16.48, 16.50, and 16.52 – Adding “Data Center” as a Use – Ordinance No. 2016-03 – Allen Parker (**TAB 2**)
2. Planning Commission Vacancies – Allen Parker (**TAB 3**)

C. ADJOURN

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers - 374 East Main Street, Vernal, Utah

April 12, 2016

7:00 pm

Members Present: Kimball Glazier, Samantha Scott, Kathleen Gray, Ken Latham, Jim Linschoten, Adam Ray

Members Excused: Rory Taylor

Alternates Present: Brock Smith

Alternates Excused:

Staff Present: Allen Parker, Assistant City Manager; Corey Coleman, Building Official; and Gay Lee Jeffs, Administrative Clerk.

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Kimball Glazier welcomed everyone present to the meeting.

APPROVAL OF MINUTES FROM MARCH 8, 2016: Chair Kimball Glazier asked if there were any changes to the minutes from March 8, 2016. There being no corrections, *Samantha Scott moved to approve the minutes of March 8, 2016 as presented. Jim Linschoten seconded the motion. The motion passed with Kimball Glazier, Samantha Scott, Kathleen Gray, Ken Latham, Jim Linschoten, Adam Ray and Brock Smith voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE - CHAPTERS 16.04 - DEFINITIONS AND 16.48 - C-2 & CC-1 - COMMERCIAL ZONES - ALLEN PARKER:

Allen Parker stated that the Mayor had some concerns about this item and brought it to Mr. Parker's attention. The Mayor would like to create a use to help integrate the use of the downtown area and putting to use some of the existing spaces above some of the buildings downtown that have not been apartments in the past. The idea is to create a use category that would allow the City to better utilize the vacant space above some of the buildings downtown. Currently, the only residential use permitted within the City Code in a commercial zone, aside from a caretaker dwelling, would be a dedicated apartment building with a conditional use permit. Single family dwellings are not allowed in a commercial zone. A "mixed use accessory dwelling" functions within that space. It is a secondary use, not a stand-alone use. It is required to be mixed with other uses or items. Mr. Parker read the definition and explained that the use would only be allowed in the C-2 and the CC-1 zones. It does not change the parking requirements or anything else. The CC-1 zone is downtown and allows buildings to be built with zero set-backs to the front. A C-2 zone is a standard commercial zone with a different lay out requirement and different set-backs.

Kimball Glazier opened the public hearing to receive comment from the public. There were no public comments. Mr. Glazier closed the public hearing. Mr. Parker stated that the Planning

Commission may want to change the parking requirements in the future. However, it is not associated with this Code and is not part of the public hearing. If it is an existing structure and the footprint of the structure does not change, changing the use does not trigger the requirement for more parking spaces. However, if it is a new structure, the two parking space requirement would be triggered. Mr. Glazier asked what the parking requirements were of the two commercial zones. Mr. Parker explained that it is based on the use rather than the zone. Utilizing more fully the buildings downtown could create more parking issues. Mr. Glazier asked if there was a way the Code could require more parking in the CC-1 and C-2 zones if they are changed to this use. Mr. Parker stated that the only way to change the requirement for parking for this use is to amend the parking section of the Code. *Samantha Scott moved to forward a positive recommendation to amend the Vernal City Municipal Planning and Zoning Code – Chapters 16.04 - Definitions and 16.48 – C-2 & CC-1 – Commercial Zones. Kathleen Gray seconded the motion. The motion passed with Kimball Glazier, Samantha Scott, Kathleen Gray, Ken Latham, Jim Linschoten, Adam Ray and Brock Smith voting in favor.*

REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR JEFFREY DURHAM WITH 5D RECYCLERS – APPLICATION NO. 2016-003-CUP – ALLEN PARKER: Allen Parker stated that the request is for conditional use permit for an outdoor storage yard. There is an existing building on the property. Historical photos show it has been a storage yard in the past. The applicant, Mr. Jeffrey Durham, would like to continue to use the property as an outdoor storage yard. Some work will be conducted inside the building with storage in the yard. Mr. Parker stated that it could be grandfathered, but would like to have a clean paper trail for the use of the property. The property is surrounded by similar uses. Mr. Parker stated that it is compatible with surrounding uses. There is a fence around the property, but it is not a site obscuring fence. One of the requirements in the City Code is for a site obscuring fence to be installed with an outdoor storage yard, but it is not one of the requirements for a conditional use permit. *Samantha Scott moved to approval a Conditional Use permit for Jeffrey Durham with 5D Recyclers – Application No. 2016-003-CUP. Adam Ray seconded the motion. The motion passed with Kimball Glazier, Samantha Scott, Kathleen Gray, Ken Latham, Jim Linschoten, Adam Ray and Brock Smith voting in favor.*

REQUEST TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – CHAPTERS 16.04, 16.20, 16.26, 16.48, 16.50 AND 16.52 – ADDING “DATA CENTER” AS A USE – ORDINANCE NO. 2016-03 – ALLEN PARKER: Allen Parker stated that this item was forwarded to the City Council the previous month with a positive recommendation. The City Council sent it back to the Planning Commission to discuss the sound issues connected to this Ordinance. The Council would like to add “Chapter 16.24 Supplementary Regulations” sub-section “16.24.210 Noise Mitigation Plan” to the Ordinance. This section of the Code has not been written yet. It requires some discussion by the Planning Commission before writing the Code. It will be complicated to write this section of the Code, and Mr. Parker asked for recommendations from the Planning Commission to be included in the Code to send back to the City Council. Mr. Parker stated that he would write a Code for this section and present it at the next meeting.

MISCELLANEOUS: Ken Latham stated that he will be resigning from the Planning Commission. Mr. Latham stated he has enjoyed working with everyone.

Vernal City Planning Commission Minutes
April 12, 2016

93 **ADJOURN:** There being no further business, *Samantha Scott moved to adjourn. Adam Ray*
94 *seconded the motion. The motion passed with a unanimous vote, and the meeting was*
95 *adjourned.*
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Kimball Glazier, Planning Commission Chair

Awaiting Formal Approval

16.24.095 Noise Mitigation Plan

- A. The purpose of a noise mitigation plan is to provide a document demonstrating the method(s) whereby sound emissions from a specific use or source will be reduced below a fixed and measurable intensity at specified points relative to the overall site. This document will be used to help ensure that the specific set standards are met throughout the duration of the existence of the sound source.
- B. The point at which sound intensity is measured shall be the designated boundary of the site as shown on the approved master site plan, or shall be the property line of the parcel on which the sound source exists if no master site plan is required. The point of measurement shall start at the surface of the ground and extend upward perpendicular to the ground.
- C. The specific sound level, measured in decibels using c-weighting, shall be set in accordance with Section 16.20 of this code based on the requirements of the specific use. All audible frequencies shall be subject to this requirement.
- D. A Noise Mitigation Plan shall include the following:
1. A diagram, drawn to scale, showing the following:
 - a. The site boundaries and the projected maximum sound intensity levels at a minimum of three points on each side, including the point of highest sound intensity along the entire boundary.
 - b. The placement of the source of the sound emission, and all proposed devices mechanisms, structures and techniques that will be used to mitigate sound emissions.
 2. A description of each device, mechanism, structure or technique that will be used to mitigate sound emissions.
 3. A statement detailing the maximum duration of peak sound emissions in a twenty four (24) hour period, and the frequency of this occurrence on a monthly basis.
- E. Failure to comply with the provisions of the approved noise mitigation plan, including failure to restrict sound emissions in accordance with the provisions of Vernal City Code, shall be punishable in accordance with Section 16.02.080 of this code and may result in the revocation of any associated business license.

Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.
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Zimbra

smontgomery@vernalcity.org

FW: Planning Commission Seat

From : Allen Parker <aparker@vernalcity.org>

Tue, Apr 26, 2016 03:41 PM

Subject : FW: Planning Commission Seat 2 attachments**To :** Roxanne Behunin <rmbahunin@vernalcity.org>, Sherri Montgomery <smontgomery@vernalcity.org>, Ken Bassett <kbassett@vernalcity.org>, Gay Lee Jeffs <gjeffs@vernalcity.org>

E. Allen Parker
Assistant City Manager/Planning Director
Vernal City
374 East Main St.
Vernal, Utah 84078
435-789-2271 Office
435-789-2256 Fax

From: Taylor, Rory B. [mailto:Rory_Taylor@kindermorgan.com]**Sent:** Tuesday, April 26, 2016 3:41 PM**To:** aparker@vernalcity.org**Cc:** coleman@vernalcity.org; building@vernalcity.org**Subject:** Planning Commission Seat

To Mr. Allen Parker, The Vernal City Planning Commission, and the Vernal City Council:

It has been my great privilege these past 3 years to serve on the Vernal City Planning Commission. I have learned much and have enjoyed my association with each of you. With the downturn of the oil and gas industry my company has made some necessary changes over the past year to the duties and areas of responsibility of its employees. These changes have unfortunately made it harder and harder for me to attend Planning Commission meetings and to participate and give the position attention as I would like to and as the position deserves.

I have been unable to attend any meetings this year and looking forward to the foreseeable future it is very likely that my participation in the Commission will only be more difficult. I feel that it is unfair to the Commission and to the community for me to continue to hold a seat on the Planning Commission. I therefore wish to vacate my position on the Vernal City Planning Commission effective immediately.

I wish you all the best and thank each of you for your service to our community.

Sincerely,
Rory Taylor

Rory B. Taylor
Line Patroller/Damage Prevention

Zimbra

smontgomery@vernalcity.org

FW: Planning Comm

From : Allen Parker <aparker@vernalcity.org>

Thu, May 05, 2016 04:04 PM

Subject : FW: Planning Comm**To :** Roxanne Behunin <rmbhunin@vernalcity.org>, Ken Bassett <kbassett@vernalcity.org>, Sherri Montgomery <smontgomery@vernalcity.org>

E. Allen Parker
Assistant City Manager/Planning Director
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374 East Main St.
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From: HK Latham [mailto:hklatham@gmail.com]**Sent:** Thursday, May 05, 2016 4:01 PM**To:** Allen Parker**Subject:** Fwd: Planning Comm

----- Forwarded message -----

From: **HK Latham** <hklatham@gmail.com>**Date:** Tue, Apr 12, 2016 at 9:23 PM**Subject:** Planning Comm**To:** aparker@vernalcity.org

Allen- Please be informed of my need to retire from the Planning Commission immediately. I have enjoyed working with you and everyone on the commission. If not for medical issues I would enjoy remaining on the commission. Thanks, Ken
